



PLANNING COMMISSION

Planning & Development Services Department • 201 N. Stone Ave. • Tucson, AZ 85701

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To: Planning Commission

From: Nicole Ewing Gavin
Director, Planning and Development Services

Subject: C8-16-01 Reinvestment Tools Package No. 1 – Expanded use of the Planned Area Development and Major Streets and Routes Setback Relief – Public Hearing

Issue – This is a public hearing to allow the Planning Commission to deliberate on two of the draft Reinvestment Tools as initiated by Mayor and Council on March 22nd, 2016. The following Unified Development Code (UDC) text amendments would provide for regulatory incentives that could be implemented throughout the City, building on the success similar tools have yielded in the downtown area:

- (1) Expand the use of the Planned Area Development (PAD) rezoning tool and (2) establish an administrative process for Major Streets and Routes (MS&R) setback relief.

The intent of this public hearing is to allow the Planning Commission to hear public input and deliberate on the proposed amendments (Attachment A).

Recommendation – Staff recommends that the Planning Commission recommend approval of the proposed amendments to the Unified Development Code (UDC) regarding the expanded PAD and MS&R setback relief to Mayor and Council.

Background – On December 15, 2015, the Mayor and Council directed the Office of Economic Initiatives and Planning and Development Services (PDSD) to identify additional financial and regulatory incentives that could be implemented throughout the City, building on the success that similar tools have yielded in the downtown area.

On March 22, 2016, staff returned to the Mayor and Council for a study session outlining the following Reinvestment Tools in the form of text amendments to the UDC: (a) expand the use of the Planned Area Development (PAD) rezoning tool, (b) allow for optional concurrent Plan Amendment and Rezoning applications, and (c) establish an administrative process for MS&R setback relief.

On April 6, 2016, staff presented the Reinvestment Tools Text Amendment to Planning Commission at a study session. Planning Commission set a public hearing date for the expanded use of the PAD amendment and the MS&R setback relief amendment, while requesting further review of the concurrent Plan Amendment / Rezoning process at a second

study session to assess implications related to the overall timeline and ensuring the Planning Commission's input is incorporated prior to Zoning Examiner Public Hearing.

On May 11, 2016, staff held a public meeting to present the proposed Reinvestment Tools Text Amendment, and receive feedback from the community. The meeting included two fifteen minute presentations with a question-and-answer period, and an open house with presentation boards and one-on-one discussions with staff. At that meeting, staff received seventeen comment cards from attendees (see Attachment B for transcription of comments and responses). Topics covered in the comment cards related to PADs included: providing a more open public process for, addressing concerns about safeguards to ensure PADs are required to follow all land use plans (neighborhood, area, and general), and concerns related to having no minimum size. Topics covered in the comment cards related to the MS&R setback relief included: concerns about the need for a long term solution to the current out-of-date MS&R plan, financial liability of the City, should they change their mind, and how to address if the TDOT and PDSD directors do not agree.

Staff has also received comments from local utilities regarding the proposed MS&R Setback Relief and its impact on them. Staff is currently coordinating a staff review process for the MS&R Setback Relief which would allow comment from the utilities prior to approval.

Present Considerations – Pursuant to the Mayor and Council's direction with feedback from Planning Commission and the public meeting, staff prepared the following draft amendments (see Attachment A for more details on proposed amendments):

1. Expand the use of the Planned Area Development (PAD) rezoning tool:

Goal: Increase use of this flexible zoning tool to encourage thoughtfully planned mixed-use infill projects.

Proposal: To lift UDC Section 3.5.5.E.2 to allow a project of any size that meets the existing PAD criteria (below) to use the PAD zoning option. The PAD has been a successful zoning tool offered by the City allowing for project flexibility and generating quality mixed use development. Currently the City allows PADs smaller than 40-acres with a waiver from Mayor and Council. This UDC text amendment would lift the requirement of a waiver for a PAD of less than 40-acres, as outlined in UDC Section 3.5.5.E.2.

The existing process to rezone to a PAD would remain, as each PAD would be reviewed for the following prior to acceptance: 1) A description of the purpose; 2) scope; 3) main concepts; 4) goals of the PAD; 5) substantial conformance with Plan Tucson; 6) substantial conformance with city land use plans which encompass all or part of the proposed PAD; 7) the rationale for the use of a PAD zone rather than the use of other zones; 8) the benefits to the community and the applicant by the use of a PAD; 9) the suitability of the PAD to significant environmental factors if applicable;

10) impacts on existing structures, roads, infrastructure and public services; 11) the compatibility of the PAD with adjoining land uses; and, 12) the physical and economic suitability and feasibility of the PAD with existing infrastructure and services. Additionally the applicant is subject to all rezoning / PAD public outreach and neighborhood meeting requirements currently in place.

2. Establish an administrative process for MS&R setback relief.

Goal: Allow use of future right-of-way when no road widening is planned.

Proposal: Revise UDC Section 5.4.5 (Major Streets and Routes Setback Zone) to introduce an administrative approval process for minor MS&R adjustments modeled after existing UDC code exceptions.

The MS&R text amendment would allow for streamlined review process. Currently, each proposal that includes use of right-of-way must be granted approval by Major and Council. This amendment proposal would allow for an internal review process modeled after UDC section 7.4.5 Reduction and Exceptions for projects in which both, the PDSO Director and the Tucson Department of Transportation (TDOT) Director, have made a finding of no adverse effects for the City. The MS&R setback relief would only apply to future right-of-way with no TDOT plans for expansion, and must conform to Plan Tucson and all neighborhood and area plans. Setback relief does not apply to scenic routes.

This proposal reflects a minor change since previous Planning Commission study session. Based on feedback from Planning Commission and comments from the public meeting, a clarification regarding scenic routes was added and one of the proposed required criteria (Section 5.4.5.7.D.8) related to setbacks was removed.

Attachments:

A – Draft Reinvestment Tools Text Amendment No 1

B – Transcription of comments from May 11, 2016 public meeting with responses